

EXHIBIT K

1965
SESSION LAWS
OF THE
STATE OF WASHINGTON

REGULAR SESSION, THIRTY-NINTH LEGISLATURE
Convened January 11, 1965. Adjourned March 11, 1965.

VOLUME NO. 1
ALL LAWS OF THE 1965 REGULAR SESSION



Compiled in Chapters by
A. LUDLOW KRAMER
Secretary of State

MARGINAL NOTES AND INDEX

By
RICHARD O. WHITE
Code Reviser

Published by Authority

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tion with a machine a certificate to that effect. For the purpose of instruction, the custodian shall call such meetings of the inspectors and judges as may be necessary. Every inspector and judge shall attend the meetings and receive instruction in the proper conduct of the election with a machine. As compensation for the time spent in receiving instruction each inspector and judge who qualifies and serves in the election shall receive the sum of two dollars to be paid to him at the same time and in the same manner as compensation is paid him for his services on election day. No inspector or judge of election shall serve in any election at which a voting machine is used unless he has received the required instruction and is fully qualified to perform his duties in connection with the machine and has received a certificate to that effect from the custodian of the machines: *Provided*, That this shall not prevent the appointment of an inspector, or judge of election to fill a vacancy in an emergency.

29.33.230 Machines kept locked after election—Exceptions. Except for reopening to make a recanvass, the registering mechanism of each machine used in any primary or election shall remain locked and sealed against operation for thirty days following any state or county primary or election and for eight days following any primary or election held by a city or other constituency not greater than a county.

Chapter 29.36

ABSENTEE VOTING

29.36.010 When permissible—Application. Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter providing that one of the following conditions is applicable:

- (1) The voter expects to be absent from his precinct during the polling hours on the day of the primary or election; or
- (2) The voter is unable to appear in person at his polling place to cast a ballot because of illness or physical disability; or
- (3) The voter, because of his religious tenets, cannot with clear conscience cast his ballot on the day of the primary or election.

A voter desiring to cast an absentee ballot must apply in writing to his county auditor or city clerk (if he lives in a city or town) no earlier than forty-five days nor later than the day prior to any election or primary.

Such application must contain the voter's signature and may be made in person or by mail or messenger. If by mail or messenger, the registrar must honor a written application in any form if it states that the applicant cannot vote in person for any one of the

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three reasons enumerated in this section: *Provided*, That no application for an absentee ballot shall be approved unless the voter's signature upon the certificate or application compares favorably with the voter's signature upon his permanent registration record.

29.36.020 Certificates. The certificate to be issued by a county or city registrar honoring a request for an absentee ballot shall state that:

- (1) The registrar can identify the applicant by his signature;
- (2) The applicant is a voter, registered and qualified to vote, giving the county or city or town and precinct in which he is qualified to vote and also his place of residence;
- (3) The applicant has affixed his signature to the certificate in the place provided therefor in the presence of the registrar; or the registrar has identified the applicant from the signature on his written application.

The certificate must be made in duplicate. If the voter is making his application in person, he shall sign both copies of said certificate. If the voter is making application by mail, the original certificate shall be affixed to his application.

All original certificates, together with applications affixed thereto, must be delivered to the officer having jurisdiction of the election, or his duly authorized representative, before an absentee ballot can be issued.

The duplicate certificate shall be securely attached to the applicant's permanent registration card until after the election.

29.36.030 Issuance of ballots and other materials — Envelopes. Upon receipt of the certificate, either signed by the voter or attached to the voter's signed application, the officer having jurisdiction of the election, or his duly authorized representative, shall issue an absentee ballot for the election concerned.

In addition, if other elections, including special or general, are also being held on the same day and it can be determined that the absentee voter is qualified to vote at such elections, such additional absentee ballots shall be automatically issued to the end that, whenever possible, each absentee voter receives the ballots for all elections he would have received if he had been able to vote in person.

The election officer, or his duly authorized representative, shall include the following additional items when issuing an absentee ballot:

- (1) Instructions for voting.
- (2) A size #9 envelope, capable of being sealed and free of any identification marks, for the purpose of containing the voted absentee ballot.

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(3) A size #10 envelope, capable of being sealed and pre-addressed to the issuing officer, for the purpose of returning the #9 envelope containing the marked absentee ballot.

Upon the left hand portion of the face of the larger envelope shall also be printed a blank statement in the following form:

State of
County of } ss.

I,, do solemnly swear under the penalty as set forth in RCW 29.36.110 (see below), that I am a resident of and qualified voter in precinct of city in county, Washington; that I have the legal right to vote at the election to be held in said precinct on the day of, 19.....: That I have not voted another ballot and have herein enclosed my ballot for such election.

(signed)

Voter

Penalty provision: Any person who violates any of the provisions, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.

29.36.035 Qualifications to delivery of ballot. The delivery of an absentee ballot for any primary or election shall be subject to the following qualifications:

(1) Only the voter, himself, or a member of his family may pick up an absentee ballot at the office of the issuing officer.

(2) Except as noted in subsection (1) above, the issuing officer shall mail the absentee ballot directly to each applicant.

(3) No absentee ballot shall be issued on the day of the primary or election concerned.

29.36.040 Instructions for voting absentee ballot. Enclosed with the ballot, small envelope and large envelope sent to the absent voter shall be separate printed instructions which the absent voter must observe as follows:

"Upon receipt of this ballot you must mark it and transmit it in accordance with these instructions according to law:

(1) Having marked the ballot, fold it and enclose it in the smaller envelope, sealing the envelope.

(2) Fill out and sign the statement on the larger envelope.

(3) Place the small envelope containing the ballot in the larger one, seal that, attach sufficient first class postage and mail it so that it will be postmarked the day of election or sooner or instead

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of mailing you may send it by any means which will enable it to reach the county auditor or other issuing officer on or before election day."

29.36.050 Prohibition against voting in home precinct. No voter to whose permanent registration card there is attached a duplicate of an absentee voter's certificate of registration for any election shall be allowed to vote at such election in the precinct from which he is registered.

29.36.060 How incoming absentee ballots are handled. The opening, counting and canvassing of absentee ballots cast at any primary or election, special or general, may begin on the day after such primary or election is held but must be completed on or before the tenth day following the primary or election: *Provided*, That when a state general election is held, the canvassing period shall be extended to and including the fifteenth day following such election.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for counting and canvassing of absentee ballots.

The canvassing board or its duly authorized representatives shall examine the postmark, receipt mark and statement on the outer envelope containing the absentee ballot and verify that the voter's signature thereon is the same as that on the original application. The board then shall open each outer envelope postmarked or received (if not delivered by mail) not later than the primary or election day and upon which the statement has been executed according to law in such a way as not to mar the statement, and remove therefrom the inner envelope containing the ballot.

The inner envelopes shall be initialed by the canvassing board or its duly authorized representatives. The inner envelopes thus initialed must be filed by the county auditor under lock and key. The outer envelopes to which must be attached the corresponding original absentee voters' certificates shall be sealed securely in one package and shall be kept by the auditor for future use in case any question should arise as to the validity of the vote.

29.36.070 Canvassing absentee ballots. Upon the canvass of the votes, if there are on file one or more absentee ballot inner envelopes, the canvassing authority shall cause such envelopes to be opened and the ballots to be grouped and counted without regard as to precinct by legislative districts if the election is a state primary or state election, special or general.

These ballots shall be made a part of the returns and handled accordingly.

29.36.075 Uncontested offices—Ballots not to be tabulated—Voter credited with voting—Retention of uncounted ballots. Canvassing boards of any primary or election, including a state primary or state general election, shall not tabulate or record votes cast by absentee ballots on any uncontested office.

Each voter casting an absentee ballot not counted as provided in this section, nevertheless, shall be credited with voting on his permanent voting history record. Further, such uncounted absentee ballots shall be retained for the same length of time and in the same manner as paper ballots cast in person as provided by RCW 29.54.070.

29.36.077 ———Counting of uncounted ballots on candidate's request. If the official canvass of any primary or election has been completed and the statutory time has elapsed in which to file a recount or contested election, should any candidate desire to have such uncounted absentee ballots counted which were cast on his position, such request shall be honored under the following conditions:

(1) The request must be made in writing and filed within sixty days following such primary or election with the officer who conducted the election.

(2) The count of such absentee ballots is to be done informally and at the convenience of the election officer concerned but in no event shall the count be delayed more than sixty days from the time the application is filed.

29.36.095 List of absentee voters. Precinct office not to appear on ballot. After the completion of the canvass of the election returns of any primary or election, the canvassing authority shall cause the names of the persons casting absentee ballots to be listed alphabetically and by precincts, according to incorporated and unincorporated areas. Such lists of absentee voters shall be sent to the appropriate registration officer who shall enter on the respective voters registration record in the space provided for that purpose, the month, day and year of the primary or election (for example 11/2/54): *Provided*, That no precinct office shall appear upon an absentee ballot.

29.36.100 Challenges. The vote of any absent voter may be challenged for any cause at the time the same is canvassed by the canvassing board which shall have all the power and authority given by law to officers of election to determine the legality of such ballot.

29.36.110 Violations and penalty. Any person who violates any of the provisions of this chapter, relating to swearing and voting,

shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.

Chapter 29.39

ABSENTEE SERVICE VOTERS

29.39.010 "Service voter," "armed forces," "members of the merchant marine of the United States," "dependent" defined. "Service voter" means an elector who comes within any of the following categories:

(1) Members of the armed forces while in the active service, and their spouses and dependents.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the congress.

(4) Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents.

The term "armed forces" means the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804), as amended.

The term "members of the merchant marine of the United States" means persons (other than members of the armed forces) employed as officers or members of crews of vessels documented under the laws of the United States, and persons (other than members of the armed forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed, or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the inland waterways.

The term "dependent" means any person who is in fact a dependent.

29.39.020 "Primary," "primary election" defined. "Primary" or "primary election" means a method provided by statute for nominating candidates to office.